

Children and Family Affairs Committee Amendment No. 1

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 1231

House Bill No. 336*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-131(b), is amended by designating the current language as subdivision “(b)(1)” and by adding the following new language, to be designated as subdivision “(b)(2)”:

(2) However, if the child is found to be delinquent based upon conduct which constitutes the offense of vandalism as set forth in § 39-14-408, then evidence of property damages actually sustained by the property owner shall be presented to the court which shall ascertain the total amount thereof. The court shall then render judgment in such amount against the child in favor of the property owner and shall order the child and the child’s parents or guardians to make full restitution for the total amount of such damages. If the conduct of the child was especially malicious or reflective of recidivistic delinquency, then the court may order the child and the child’s parents or guardians to make additional restitution; provided, however, the total amount of restitution ordered by the court pursuant to this subdivision shall not exceed an amount equal to treble damages; provided further, however, the amount of any such additional restitution ordered pursuant to this sentence may, in the discretion of the court, be reduced or eliminated conditionally based upon the successful completion of community service to be jointly performed by the child and the child’s parents or guardians and/or participation in family and parenting skills counseling or classes to be jointly attended by the child and the child’s parents or guardians.

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Notwithstanding the provisions of Title 37, Chapter 10, Part 1, or any other law to the contrary, the child and the child's parents or guardians shall be jointly and severally liable for payment of restitution ordered by the court pursuant to this subdivision. Execution of such judgment, and the order of restitution, shall issue as in civil cases. Sanctions imposed pursuant to this subdivision shall be in addition to such other sanctions as may be imposed pursuant to this chapter.

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